

SENATE BILL REPORT

SB 6385

As of January 25, 2010

Title: An act relating to developing certification for manufactured housing community managers.

Brief Description: Developing certification for manufactured housing community managers.

Sponsors: Senators Berkey and Schoesler.

Brief History:

Committee Activity: Financial Institutions, Housing & Insurance: 1/27/10.

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & INSURANCE

Staff: Alison Mendiola (786-7483)

Background: Manufactured/mobile home communities are governed by the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA). The MHLTA outlines the rights and responsibilities of manufactured/mobile home landlords and tenants, including those pertaining to rental agreements; prohibited acts by the landlord; sale, closure, or conversion of the mobile home park; tenant rights in the event of proposed sale, closure, or conversion; grounds for termination of tenancy; maintenance responsibilities; and health and sanitation.

The term manufactured housing community means any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

Summary of Bill: Overview of the Act. The act creates a new chapter in Title 59 RCW requiring specified categories of manufactured housing communities (community) to have a designated manager who is trained and certified in accordance with statutory requirements. The Department of Commerce (Department) is authorized to administer the program, with the assistance of an "advisory council on manufactured housing community manager training and certification," as specified in the act.

Candidates for manufactured housing community manager must submit an application, complete a training course, and pass an examination before assuming the position.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Manufactured housing community management means those actions, functions, or duties related to the management of a manufactured housing community to include the collection of rent and other charges, renting mobile home lots, and the implementation of landlord duties and responsibilities under chapter 59.20 RCW.

Manufactured housing community manager (manager) means a person who performs manufactured housing community management duties and is required to be certified to perform manufactured housing community management services, and includes resident owners of manufactured housing communities who perform management duties.

Certification Requirements for Manufactured Housing Community Manager. A person is prohibited from managing a community with more than 15 manufactured housing lots unless he or she has been certified as a manager by the Department. This requirement applies to those performing management duties, including the owner of a community, regardless of whether he or she resides within the community. In addition, every community with more than 15 lots must have a certified manager.

A person who assumes managerial duties, but is without the requisite certification, is allowed a maximum of six months to obtain such certification following his or her assumption of managerial duties. Under certain circumstances, and with the permission of the Department, the certification deadline can be extended for up to one year.

Certification Procedures and Requirements. A candidate for the position of community manager must complete the following process before he or she can assume managerial duties: submit a written application to the Department; attend and complete a Department-approved training course; pass an examination; and pay a prescribed certification fee to the Department.

The certification must be renewed annually and such renewal requires completion of any continuing education requirements the Department requires.

Authority and Duties of the Department of Commerce. The duties and responsibilities of the Department include the: administration, coordination, and enforcement of the provisions of the act; development of the examination process for applicants; granting of the certification to applicants meeting training requirements; development of administrative rules governing the creation and administration of the certification program; and setting fees charged to applicants for the various steps in the certification process.

In addition, the Department is required to contract with a statewide association exclusively representing manufactured housing communities for the purpose of providing the requisite training courses.

Manufactured Housing Community Manager Advisory Committee. The act requires the creation of an advisory council on manufactured housing community manager training and certification (council). The council must consist of four members, as follows: two members who are residents of communities (selected from nominees chosen by statewide associations representing community tenants); and two members who are owners of communities, or their

designees (selected from nominees chosen by statewide associations exclusively representing communities).

The functions of the council include: reviewing and evaluating the proposed administrative rules developed by the Department regarding the certification process; and advising and assisting the Department in developing the curriculum for manager certification training.

Civil Infraction Provision. Violation of the provisions of the Act is a civil infraction.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.